UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.29
2 October 1992

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Second session

SUMMARY RECORD OF THE 29th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 28 September 1992, at 3 p.m.

Chairman: Mrs. BADRAN

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GE.92-17680/4931B (E)

The meeting was called to order at 3.15 p.m.

ORGANIZATION OF WORK (continued)

1. The revised programme of work discussed at the Committee's 28th meeting was adopted.

SOLEMN DECLARATION (agenda item 3)

2. The CHAIRMAN extended a warm welcome to Mr. Gomes da Costa and invited him to make the solemn declaration in accordance with rule 15 of the provisional rules of procedure.

3. Mr. GOMES DA COSTA made the solemn declaration. He went on to thank the Committee and said he would do his utmost to live up to the honour bestowed on him.

OTHER MATTERS

REVIEW OF THE REGIONAL MEETINGS HELD IN QUITO AND BEIJING AND DISCUSSION ON POSSIBLE FUTURE REGIONAL MEETINGS (agenda item 14)

4. Mrs. SANTOS PAIS (Rapporteur) said that the Quito and Beijing meetings had been very different in nature. Quito had been a regional meeting attended by members of the Committee who had had an opportunity to engage in a dialogue with representatives of the Government, international organizations, non-governmental organizations (NGOs) and also with children. The experience had proved very valuable. Beijing had been a regional meeting in the sense that it had been a meeting of States in the region, with some members of the Committee attending by invitation as observers and being able to convey the message of the Convention and to speak about the Committee's methods of work. It had been a very useful arrangement and one which the Committee might consider using regularly in future.

5. The meetings had been held in a spirit of wide enthusiasm and of adherence to the principles of the Convention, a fact which had made for constructive and meaningful dialogue with the various interested parties. All had reaffirmed their political will to implement the principles and provisions of the Convention. The international organizations present had contributed to the success of the meetings and had demonstrated a commitment to reinforcing international cooperation in the fields covered by their mandates and by the Convention.

6. The Quito meeting had been attended by a number of NGOs, which had given a very lively picture of the ways in which they were able to help secure active participation in disseminating the Convention and creating greater awareness and understanding of the underlying principles. The media coverage during the meetings had been very enthusiastic. Moreover, the children themselves had been able to recognize their own rights and the right to participate in the process of implementing the Convention.

7. Contacts had thus been established and a dialogue initiated on the best ways of cooperating in the future in a spirit of openness and realism. Committee members had gained a better knowledge of the realities of the regions, launched a process of securing an understanding of the Convention and demonstrated the importance of a system of broad participation in the realization of the rights of the child. It had been particularly important for Committee members to demonstrate their capacity to listen to children themselves. The regional meetings had constituted an innovative method of work and might be regarded as a first step in action by any treaty body and a useful tool for better promotion of children's rights.

8. Mgr. BAMBAREN said that the presence of Government ministers and members of the diplomatic corps had given added importance to the Quito meeting, which had also been reported by the media in other countries of the region. UNICEF was to be thanked for making the meeting possible. In view of the problem which had arisen with regard to arrangements for a regional meeting in Peru, he would suggest that, when future regional meetings were being planned, an alternative country venue should be chosen in the event of difficulties in connection with the first choice.

9. Mrs. BELEMBAOGO said that the Quito meeting had been particularly important for the Committee in that members had been able to benefit from the useful information on the social and legal aspects of the situation of children in Latin America. Discussions with NGOs had highlighted a number of specific problems, for example, the problem of child labour, particularly that of young girls in domestic service. It had been possible to make a comparison between the situation in Latin America and in Africa. Information of that kind would better equip the Committee to examine the country reports. The cases seen in Ecuador had underlined the importance of the Convention and of involving children in resolving issues under the Convention.

10. As the Quito meeting had been the first informal meeting held in any region, it would be useful if members' impressions and conclusions could be summarized in a paper for circulation to other committees.

11. Mr. MOMBESHORA said that the Committee's aim in familiarizing itself with conditions in other areas appeared to have been achieved through the two regional meetings. Members had been able to learn about conditions from local people and gain first hand knowledge of such problems as that of the street children. The idea of holding meetings in other regions was therefore a very sound one and should be pursued.

12. Although he had not attended the Beijing meeting, he thought it might be comparable to the one held in 1991 in Zimbabwe, where it had been possible to discuss the question of funding and where NGOs not normally represented at meetings in Geneva had been in attendance. It was important for them to see how their work related to the implementation of the Convention and much benefit had clearly been gained on a regional basis.

13. Mr. HAMMARBERG said that the meetings in Quito and Beijing were not really comparable, although both had been largely organized by UNICEF, which was to be congratulated for its efforts.

14. It was important to bear in mind that the Quito meeting had not been a monitoring operation by the Committee but simply an educational and training exercise. In future meetings, that fact should be made clear at the outset. Beijing had been a UNICEF meeting at which representatives had sought to draw on the Committee's expertise. Members should take upon themselves the role of educating others about the Convention, provided that their time and workload so permitted.

15. In view of the success of the two meetings, the Committee might usefully investigate the possibilities, through informal channels, of attending similar meetings in Africa in 1993, so that it could gain a more thorough knowledge of the situation regarding children's rights throughout that continent. Contacts with UNICEF and other United Nations agencies would be welcome and field visits should be arranged where possible. Generally speaking, the Committee should take a positive attitude towards invitations to give lectures.

16. Lastly, a particular problem had arisen at the Beijing meeting, where Government representatives had thought that members of the Committee would visit their countries to help Governments with their reporting. It would be useful to discuss whether Committee members could involve themselves in the preparation of reports and whether such assistance would affect their impartiality.

17. Mr. KOLOSOV expressed gratitude to UNICEF for making the meeting in Ecuador possible and paid special tribute to Mgr. Bambaren for his initiative and persistence in organizing the Quito meeting.

18. He had gained a positive impression of the Quito meeting. The Committee had seen children in many different situations and been able to discover for itself the efforts by the Government, the people and the various social agencies. He had not been entirely satisfied with the three field missions, but he himself was perhaps to blame for his less than adequate knowledge of the law relating to children in Ecuador. Had he been better informed, he would have been able to ask more suitable questions. Nevertheless, in many respects conditions in Ecuador were comparable to those in the Russian Federation and the experience had to that extent been useful to him not only as a member of the Committee but also as a Russian citizen, and he had accordingly informed the Russian foreign ministry on his return home.

19. Miss MASON said that the Quito meeting had enabled her to gain an insight into many unfamiliar situations, in particular, the problem of the street children, which she had witnessed later on in Rio de Janeiro where the problem was even more serious. In Rio, moreover, she had talked to some of the children and those involved with them, whereas in Ecuador she had simply been an observer. In that connection, UNICEF was to be thanked for arranging the very important field vists, in which Committee members had seen for themselves UNICEF's work, including its remarkable achievements with the means available. If more field visits could be arranged through UNICEF, the Committee would be in a better position to make useful recommendations to countries when they presented their reports.

20. Mrs. EUFEMIO said she had been unable to attend the entire session in Quito, but she had noted in particular the participation of United Nations agencies, whose observations on conditions in the rest of the region had provided a very useful viewpoint.

21. Mgr. BAMBAREN added that the original intention had been to have the participation of United Nations specialized agencies only, but while attending an NGO congress in Lima he had thought that participation by NGOs in Quito might also be useful. In future invitations might be extended to other institutions and bodies active in the region, with sufficient time to enable them to prepare reports.

22. Mr. HAMMARBERG endorsed that suggestion. The problem for the Committee, however, lay in the fact that it had neither a budget nor authorization for such discussions and was only in a position to maintain informal contacts with UNICEF in the hope that the points made would be conveyed to those who drew up the budget and that the Committee as a whole would be invited to other regional meetings.

23. Mgr. BAMBAREN said that Committee members had been financed by UNICEF, whereas the NGOs had paid for their own costs. The more advance notice they were given, therefore, the better their arrangements might be. UNICEF could not be expected to shoulder the entire burden.

24. The CHAIRMAN said that UNICEF was currently planning a meeting in Africa that the Committee might usefully attend. Perhaps UNICEF could be prevailed upon to look into that possibility, given the link with the attainment of goals which were built into UNICEF's policy and the fact that UNICEF had a budget under which the Committee's participation might be arranged. NGOs might also be able to attend under their own budgets.

25. Mrs. BELEMBAOGO said that the African meeting was being organized by OAU in conjunction with UNICEF to bring together a number of United Nations representatives and African NGOs to examine the question of financing programmes related to African children. In view of its specific nature, she wondered whether it answered the Committee's aim of holding an informal meeting particularly since there would be no opportunity for discussion with the Governments of States parties or with participating organizations.

26. Mr. MOMBESHORA said he had been present at the UNICEF Board meeting at which discussions had been held with a number of participating African countries. It had been quite clear that the purpose of the meeting was to arrange funding. Hence it was unlikely that there would be any opportunity for discussions involving the Committee.

27. Mrs. SANTOS PAIS (Rapporteur) said that regional meetings served the two-fold purpose of creating greater awareness about the Convention outside the United Nations and bringing the Committee closer to the various regions and their specific problems. With regard to the latter, the role of NGOs was invaluable, as had been amply demonstrated at the Quito meeting. The two regional meetings had proved successful in different ways, and it might be useful to draw distinctions between types of meetings and the specific role to be played in them by members, individually or otherwise.

28. Mr. HAMMARBERG endorsed the remarks by Mrs. Santos Pais and said that a number of aspects of the Committee's work required clarification. It would greatly facilitate the Committee's work if general guidelines were established on such matters as formal and informal meetings and the role and activities of Committee members during and outside meetings.

29. Mr. MOMBESHORA said that the venue for a particular meeting should be decided according to the Committee's requirements for information on the region's specific problems. Obviously, for practical reasons, members would sometimes be invited individually to attend meetings in their own region. They should certainly be encouraged to participate in order to promote the Committee's aims and views, and above all if their participation was thought likely to serve the purpose of the meeting.

30. Mrs. SANTOS PAIS (Rapporteur) said that the Quito meeting had been very much a learning experience and that members had derived enormous benefits from the broad exchange of views and information. Beijing, on the other hand, had been more official in tone, and the few members participating had assisted the Government in its activities. To be sure, the Committee would have to determine beforehand whether participation in a meeting would be worthwhile. At the first session, the Committee had discussed the advisability of a regional meeting in Latin America and determined its objectives, which had provided input for Mgr. Bambaren, who had finalized the arrangements.

31. Mgr. BAMBAREN said he endorsed the remarks about the difference between the two meetings. As to the organization of the Quito meeting, he stressed the vital role played by UNICEF, not only in providing funds, but also in local and regional preparatory work. The NGOs had also provided valuable input for the meeting and their support could perhaps be enlisted in other regional meetings in future. Lastly, he would emphasize the need to agree on suitable funding arrangements and a provisional date for the forthcoming regional meeting without further delay.

32. Mr. GOMES DA COSTA stressed the importance of the participation of members of the legal community in regional meetings. It was also essential that every effort be made to involve children and to give them the opportunity to air their views.

33. Mrs. EUFEMIO said she agreed with the general consensus expressed on the two regional meetings. As to the question of the role of individual members, it might be useful to draw a distinction between members and experts, for all members of the Committee were experts in their own right, whether on the legal, the social or the health aspects of children's rights.

34. Mr. KOLOSOV remarked that any activity sanctioned by a United Nations General Assembly resolution, the Convention or the Committee's own rules of procedure should be regarded as formal. All other meetings and activities, irrespective of the number of members involved, were informal. Undoubtedly, informal meetings were extremely useful, perhaps even more useful than formal meetings, whose main purpose was to consider reports submitted by States parties.

35. Mrs. BELEMBAOGO noted that there was general agreement on the success of the Quito meeting, which was largely attributable to the participation of local bodies and the NGOs, and therefore such informal meetings should be encouraged in future. Furthermore, there appeared to be consensus on the need for an informal meeting in Africa, but the question of how it would be funded and organized still had to be resolved. In that connection, the Chairman or other members from the African region might initiate contacts at the regional level. Lastly, a provisional date for the meeting should be set, ideally May or June, which would allow sufficient time for preparations.

36. The CHAIRMAN, summarizing the discussion so far, said that since OAU had recently arranged for a meeting on African children, UNICEF would be the most likely source of funds for the meeting. Contact should therefore be established with the UNICEF regional offices in Africa with that end in view. Once the Committee had reached agreement on the venue for the meeting, and a source of funding had been identified, the arrangements could be examined in more detail.

37. Mr. KOLOSOV, while agreeing that Africa merited the Committee's attention, pointed out that children in the former USSR were facing great problems. He had tried to persuade the authorities of the Russian Federation of the need to hold a meeting in the CIS region, so far without success, but hoped that such a meeting might be held in 1993.

38. Mr. HAMMARBERG said that there were indeed strong arguments for holding a meeting in various parts of the world but that Africa seemed to have priority. Since 22 of the 57 reports due in 1992 would be from African countries, it would be useful for the members of the Committee to learn of the problems of that continent before dealing with the reports.

39. The CHAIRMAN suggested that the three African members of the Committee - Mrs. Belembaogo, Mr. Mombeshora and herself - should discuss the venue and arrangements for the meeting and communicate their suggestions to the Committee later on.

40. It was so decided.

41. Mrs. SANTOS PAIS (Rapporteur) proposed that the Committee might agree, as a general policy, to hold an informal meeting at least once a year in one of the regions. She endorsed the idea of holding the next informal meeting in Africa, but if that proved impossible, any other opportunity that arose should be taken.

42. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee adopted that proposal.

43. It was so decided.

44. Mr. HAMMARBERG, referring to the question of the impartiality of individual experts in connection with reports from the Governments of their countries, suggested that the Rapporteur should be asked to start drafting guidelines on relevant criteria.

45. Mr. MOMBESHORA pointed out that the Convention made it quite clear that the members of the Committee served in their personal capacity.

46. Mr. HAMMARBERG replied that members had some authority and should not, in their work elsewhere, act in a way that might embarrass the Committee. In practice, it might be difficult to draw a line, and therefore a common understanding of the status of members was needed before the Committee began considering country reports. Other treaty monitoring bodies had probably encountered the same problem.

47. Mrs. EUFEMIO said that some issues did need clarification. For instance, would a Committee member's objectivity be considered compromised if he or she were to answer questions by the Government of his or her country on the preparation of a report to the Committee? Should members be able to put questions when the reports of the Governments of their own countries were discussed?

48. Mr. KOLOSOV said that the Committee's guidelines seemed to require clarification or revision. Since it would be impossible for the members to visit all the States parties to help them to understand the guidelines or for members to assist in preparing country reports, the Rapporteur should be asked to suggest how the text of the guidelines might be made clearer. Moreover, it was very difficult to give instructions to members on what their attitude to their Governments should be, since each would have a different approach.

49. Mgr. BAMBAREN said that, since he did not represent his country, he had nothing to do with its report, although he would wish to encourage its preparation. However, whenever long-standing conditions in his country or region were detrimental to the rights of children, he felt it his duty to speak out against them.

50. He suggested that it would be appropriate for the Chairman to hold a press conference on the Committee's work at the end of the session.

51. The CHAIRMAN said she endorsed that view.

52. Miss MASON said that she had no doubt as to her position as a member of the Committee, since the Convention made it clear that members must act independently. Certain issues might arise outside the Committee about which members might wish to speak, but they should do so in their private capacity, separating themselves from their countries and Governments. If they were unable to do that, they should resign.

53. The Committee had not so far received any requests from States parties in connection with the guidelines. It should not anticipate matters and should wait until it had some reports before it. Furthermore, members should take no part in making up their own Government's reports. If a report was shown to a member and he deemed it inadequate, he should say so but should have no hand in its further preparation. It had already been agreed that when the report of a member's own country came up for consideration, that member should not participate in the discussion.

54. Mrs. EUFEMIO said that the situation which she had described required some more detailed guidelines. The first reports should be used to determine what particular questions should be asked. If the questions were specific enough, States parties might not even request any clarification from the Committee. As soon as a dialogue was initiated with States parties, more specific questions would be put and they would eventually become part of the guidelines. In due course training for officials from reporting States could be provided through the advisory services programme. As far as the acceptance of invitations was concerned, it was clear that members were independent of their own countries and served all countries which stood in need of their help. General comments would be required as early as possible.

55. Mr. HAMMARBERG said he agreed that general comments would be important, but it would take time to elaborate them. The dilemma facing members was that they all worked for children's rights outside the Committee. When were they working for the Committee and when were they not? For example, when a member wrote an article for the press, in what circumstances should he make it known that he was a member of the Committee? In any event it was important to protect the Committee from misunderstandings. Thus, some basic principles were required to guide members as to what they could do in their activities outside the Committee, and that was why he had suggested that the Rapporteur should prepare a draft on the subject.

56. Mrs. SANTOS PAIS (Rapporteur) said that the Convention required members to be competent and to act in a personal capacity. Consequently, if a member was invited to attend a meeting outside the Committee, he should act in a personal capacity, not representing the Committee unless he had been specifically authorized to do so. He should try to express the Committee's approach, giving his own personal interpretation pending the formulation of an official interpretation in the Committee's general comments.

57. Members would no doubt wish to discuss the reports of their own countries, since they were better acquainted with the situation. They might even criticize their own Governments. However, a Government did not like to be criticized and it might bring pressure to bear on the member concerned, as had happened in other committees. Consequently, to avoid pressure from Governments, members should not take part in the consideration - or in the preparation - of their own country's report. Participation in training courses organized by the Centre for Human Rights in a member's own country should, none the less be permitted, because members were expected to promote the objectives of the Convention anywhere in the world. It was difficult to draw a line, but reasonableness should prevail, since members would not want the Committee to give them instructions.

58. The CHAIRMAN said she agreed that the independence of members did not preclude them from helping children in their own countries. The reports to be submitted to the Committee were on matters of fact, and helping to explain how to present the facts was not the same as being partial.

59. Mr. MOMBESHORA said that providing information on the Convention was promoting the work of the Committee, whereas helping to write a State party's report amounted to being used by a Government. Each member should exercise his own judgement as to what constituted promotion, which called for independent thinking.

60. The CHAIRMAN asked whether the Rapporteur should try to draft some guidelines or whether it would be better to wait until specific situations occurred.

61. Mrs. EUFEMIO said it was her recollection that members of the Committee had been assigned specific provisions of the Convention on which to prepare draft material. Her own assignment - special protection measures with regard to the exploitation of children - was half finished. If all members completed their assignments, the resulting material would be available for discussion under agenda item 9 and would at least serve as the beginnings of the Committee's guidelines. In addition, members had been assigned duties to obtain relevant information from other treaty bodies.

62. Mrs. SANTOS PAIS (Rapporteur) observed that all members attached great importance to their independence, as reflected in the Committee's rules of procedure, in its initial debate on the subject and in the present discussion. That point should also be reflected in the Committee's report. The information provided would help new members of the Committee and would also point out to the General Assembly the seriousness with which the matter was being taken. If necessary, more detailed indications could be given at some future date.

63. The CHAIRMAN said that, when the initial reports arrived, they would show whether the Committee's guidelines needed clarification. If so, the information to be provided by members on specific articles would be helpful.

64. Mr. MOMBESHORA said that he was not aware of having been given any assignment.

65. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee would wait until members presented information on specific questions and that there was no need for the Rapporteur to work on guidelines until after the first reports had been considered, when the situation would become clearer.

It was so decided.

The meeting rose at 6.05 p.m.